

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

24-CR-104-RJA-HKS

v.

NICHOLAS BLOOM,

Defendant.

ORDER

On the government's motion and without objection this Court ordered a competency evaluation under 18 U.S.C. § 4241. The parties were notified that Mr. Bloom arrived at Los Angeles Metropolitan Detention Center on September 4, 2024, for the purposes of the evaluation.

The defense has since filed a notice under Federal Rule of Criminal Procedure 12.2 and the government has submitted a motion for a determination of the existence of insanity at the time of the offense per 18 U.S.C. § 4242(a).

Under § 4242(a) the Court "shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c)."

Accordingly, it is hereby:

ORDERED that, pursuant to 18 U.S.C. § 4247(a) the defendant undergo a psychiatric examination to determine existence of insanity at the time of the offense; and it is further

ORDERED that, pursuant to 18 U.S.C. § 4247(b), the defendant is committed to the custody of the Attorney General for placement at a suitable facility closet to the Court for the purposes of the psychiatric examination, preferably Los Angeles Metropolitan Detention Center, where the defendant is already located for the purposes of a competency evaluation ; and it is further

ORDERED that, pursuant to 18 U.S.C. § 4247(b), and for purposes of an examination pursuant to 18 U.S.C. § 4247(b), the defendant is committed to the custody of the Attorney General for a reasonable period, not to exceed 45 days, with one reasonable extension of 15 days upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant in order to accomplish the psychiatric examination; and it is further

ORDERED that, pursuant to 18 U.S.C. § 4247(c), a psychiatric report be prepared by the examiner and filed with the Court, with copies provided to counsel for the defendant and the government and that this report shall include:

1. the defendant's history and present symptoms;
2. a description of the psychiatric, psychological, and medical tests that were employed and their results;
3. the name of the examiner(s) and his/her/their qualifications and their findings as to competency to proceed;
4. the examiner's opinions as to diagnosis, prognosis, and whether the defendant (a) is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense and (b) was insane at the time of the offense charged, as that term is defined in 18 U.S.C. § 17(a); and,

5. any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence; and it is further

ORDERED that United States Probation is authorized to disclose all materials related to this case, including but not limited to, any and all prior psychiatric reports; and it is further

ORDERED that the United States Marshal deliver the defendant to the suitable facility to be determined by the Attorney General as promptly and expeditiously as possible so as to minimize the period during which the defendant must travel; and it is further

ORDERED that sentencing in this case is stayed pending the resolution of the defendant's competency.

SO ORDERED.

DATED: September __, 2024
Buffalo, New York

HONORABLE H. KENNETH SCHROEDER
United States Magistrate Judge